SINGLE BENCH

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IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P. No.....1377...../2007

PETITIONER:

P.R. No. 1611/07
Presented by Akshya Yadav
dated 24/12/07

Ashish Kumar Gupta S/O Ajay Kumar Gupta, Aged 38 years, Working as Lecturer at Govt. Higher Secondary School Tokapal, R/o R.E.S. colony, Q. No. 2, Tokapal, Dist. Bastar

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VERSUS

RESPONDENTS:

1. State of Chhattisgarh Through : Secretary, Tribal Welfare Department, Mantralaya D.K.S. Bhawan, Raipur (C.G.)

2. Commissioner, Tribal Welfare Department, Mantralaya, D.K.S. Bhawan Raipur (C.G.)

OATH COMMISSIONER APARNA MALVIYA CG1203/05 Bilaspur Chhattisgarh

PETITION UNDER ARTICLES 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRITS OF MANDAMUS AND CERTIORARI AND FOR OTHER SUITABLE WRITS AND DIRECTIONS:-

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HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S) No. 1377 of 2007.

Petitioner : Ashish Kumar Gupta

Versus

Respondents : State of Chhattisgarh & Other

Present: Shri Rahul Jha, Advocate for the petitioner.
Shri Sushil Dubey, Government Advocate for the State / respondents.

ORDER
(Passed on 9th of March, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner is working as Lecturer. The petitioner obtained B.Ed. Examination certificate on 27.03.1997, on his own expenses.

2. Learned counsel appearing for the petitioner submits that the question involved, herein asto whether the teacher, who obtained B.Ed. Examination certificate on his own expenses, is entitled to two advance increments.

3. According to learned counsel for the petitioner, the petitioner is entitled to two advance increments in view of the decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** {2006 (II) MPJR-

CG 96}. This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), came to the conclusion that the teachers, who had obtained B. Ed. /B.T.I. Examination Certificate on their own expenses, are covered by the circular dated 24.12.98 issued by the State Government of Madhya Pradesh.

4. Learned counsel for the petitioner further submits that the facts and question of law involved in the present case are squarely covered by decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioner.

5. Accordingly, the writ petition is allowed in terms of the order passed in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), subject to verification of the fact as to whether the petitioner has acquired B.Ed. Examination Certificate on his own expenses as per the circulars dated 24.12.1998 & 1.3.1999 and further whether he has been paid two advance increments or not. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit